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July 16, 2021

VIA EMAIL AND ECF

Hon. Marian W. Payson
United States Magistrate Judge
100 State Street
Rochester, New York 14614

Re: Request for Adjournment of Conference
USA v. Phillips, 21 MJ 4062 (MWP)

Dear Judge Payson:

The above captioned case is scheduled for a court conference on July 20, 2021 at 9:30 a.m. I write on behalf of defendant Mark Anthony Phillips to respectfully request an adjournment of this conference to August 25, 2021, or another date convenient to the Court.

Discovery has not yet been completed in this matter. The government has in its possession the cell phone of Mr. Phillips, from which it has been trying to extract information since May. To complete the extraction, the government has sent the phone to a variety of different locations in the country to attempt the task. The cell phone represents a good portion of the discovery that it is necessary for me to review before we can move forward in this matter. AUSA Richard Resnick has informed me that the phone is now in Manhattan, awaiting the return of a computer specialist to extract certain messages from an app called SignalApp. The computer specialist has been out of the office and Mr. Resnick plans to contact him next week to get an idea of how long it will take to complete the examination of the phone.

For these reasons, I respectfully request that the conference be adjourned to August 25, 2021, or another date convenient to the Court, so that the extraction of the phone materials may be completed, and I will have an opportunity to receive and review them before the conference. I will be away on vacation from August 7 to 14, and August 30 to September 7, 2021.

Assistant United States Attorney Richard Resnick concurs in this application. I agree to waive any speedy trial issues until the next court conference.

Sincerely,

s/s Camille M. Abate
Camille M. Abate, Esq.

cc: AUSA Richard Resnick (via ECF)